

## PLANNING COMMITTEE – 20 July 2021

**REFERENCE NUMBER:** 21/00344/FLH      **Application Expiry Date:** 23 July 2021  
**Application Type:** Householder Planning Permission

**Proposal Description:** Proposed loft conversion with 2no front dormers, 1no rear dormer, and hips converted to gables. Single storey rear extension (Amended Plans)

**At:** 95 Windsor Drive, Wingerworth, Chesterfield, S42 6TQ

**For:** Mrs. Samantha Richmond, 75 New Road, Wingerworth, S42 6UJ

**Third Party Reps:** 3      **Parish:** Wingerworth Parish  
**Ward Name:** Wingerworth Ward

**Author of Report:** Philipp Tschavoll-Selenko      **Date of Report:** July 2021

**MAIN RECOMMENDATION: GRANT permission**

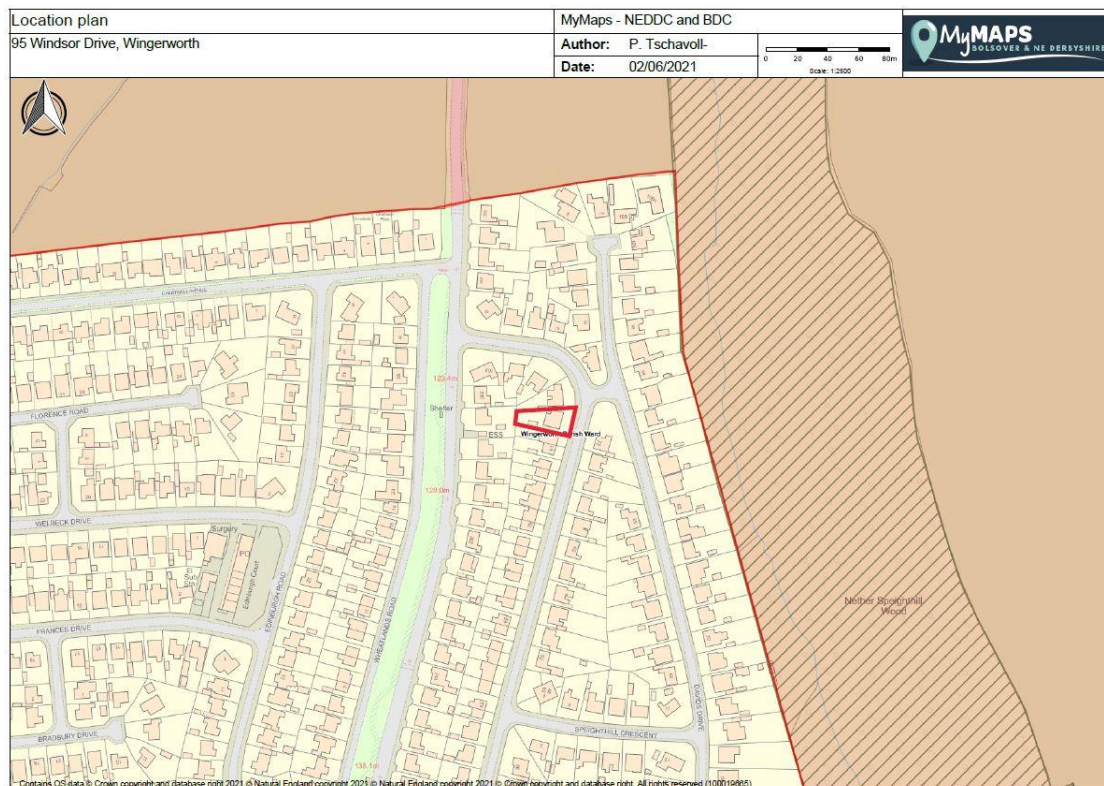


Figure 1: Site in context of Wingerworth

## **1.0 Reason for Report**

- 1.1 Councillor Ruff has requested that this planning application be determined at Planning Committee as the original proposal would not meet/sit with the street scene and would have an adverse effect on the neighbouring properties (loss of light and loss of privacy) due to the proposed height and rear windows.
- 1.2 In line with the Council's constitution, Planning Committee is required to determine the application.

## **2.0 Proposal and Background**

- 2.1. The application site comprises of an existing brick built bungalow which is set back and slightly elevated from Windsor Drive. To the south of the site, there is a row of 2-storey semi-detached dwellings and to the north there is a loft converted bungalow with two dormers to the front and one to the back. Opposite of the application site, there are further bungalows both along Windsor Drive and the adjacent Davids Drive. The site also features a drive way along the southern boundary of the site which leads to a car port and a garage.
- 2.2. Construction works are currently taking place on site with the demolition of a conservatory including a wall to the adjacent kitchen and construction of a single storey rear extension.

### **Proposal**

- 2.3. The original proposal sought permission for a loft conversion incorporating 2no front dormers, 1no dormer running the full width of the roof to the rear, and the existing roof hips converted to gables. The application also included for a single storey rear extension.
- 2.4. The original proposal would have included raising the existing roof line by 1.0m. The roof of the proposed dormer to the rear would have sat 0.4m below the new roof line and the proposal would have created a converted loft to the back with a total height of 5.4m from ground level. This would have allowed for the creation of two new bedrooms and two new bathrooms accessed by a new staircase. The proposed materials would include new tiles to match the existing roof tiles and dark wood cladding on the sides of the proposed dormers to the front and dark wood cladding on both sides of the proposed gables and loft conversion and to the rear.



Figure 2: Proposed elevations as originally submitted

### Amendments

- 2.5. The roof of the loft conversion to the rear is now proposed 0.8m lower than the new roof line which would reduce the total height of the converted loft from 5.4m to 5.0m from ground level. The loft conversion would also be reduced in width by 0.73m; this means that it would be set back by 0.73m from the edge of the roof to the side of the neighbouring property at 97 Windsor Drive.
- 2.6. Instead of dark wood cladding it is now proposed to finish the gables and loft conversion with a light render on both sides and to the rear. The dark wood cladding of the front dormer's sides would also be replaced by tiles.

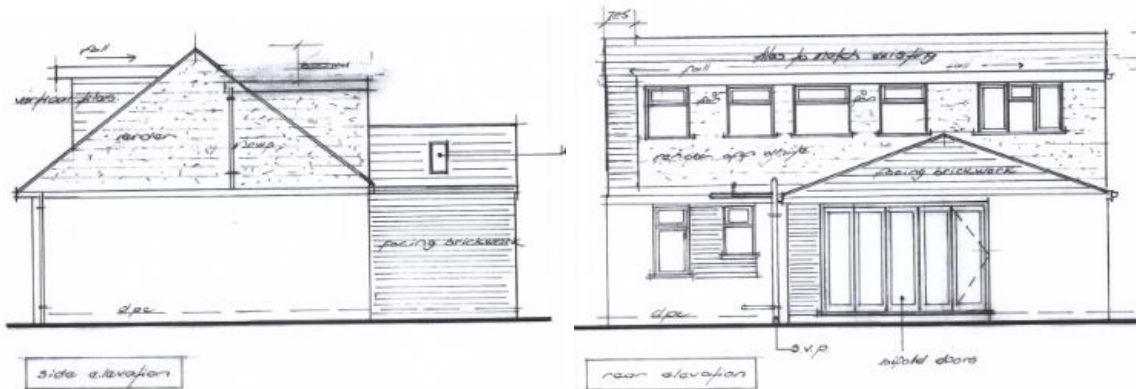


Figure 3: Amended elevation plans

## 3.0 Relevant Planning History

- 3.1 There is no relevant planning history for the application site.

## **4.0 Consultation Responses**

- 4.1. Councillor Ruff objected to the original application on the grounds of the impact on the street scene. She considers it would be totally out of keeping and would be a blight for the neighbours. Whilst other properties have been extended in the loft space these have been done sympathetically to the property and surrounds.
- 4.2. No further comments have been received from Councillor Ruff to the amended plans.
- 4.2. The Parish Council raised concerns on 10 June 2021 that the original proposal is out of character for the area, and will impact the light, amenities and privacy of neighbouring properties. Reference is made to paragraph 110 of the NPPF (“development should respond to local character and design standards”). The Parish Council support the objections raised by residents and would like to support the request from Cllr Ruff that the application is called in to be determined by the Planning Committee.

## **5.0 Representations**

### **Original Proposal**

- 5.1. The Site notice expired on 17 May 2021 and three neighbouring properties were notified on 23 April 2021.
- 5.2. The neighbours at 97 Windsor Drive strongly object to the proposal and have raised the following concerns on 14 May 2021:
  - The sides and rear walls will be built higher than that of a dormer bungalow to look like a house which will have an overbearing impact on their own property. This proposal would not be in keeping with those dormer bungalows at Windsor Drive and Davids Drive.
  - Due to the height and the design of the rear half of the development this will have a severe and significant impact on lighting to their kitchen.
  - The proposed side walls will not be gables. The proposal not only raises the ridge by 1000mm, it also raises the rear half of the existing roof by up to 2620mm.
  - The proposal will result in five first floor windows to the rear elevation which will significantly overlook neighbouring properties, in particular theirs.
  - The cladding on the side and rear elevations, with the combination of size and style, will make this look like a shed on top of a traditional bungalow.
- 5.3. Further concerns by the neighbours at 97 Windsor Drive were raised on 11 June 2021 and on 25 June 2021:

- The dark cladding of the proposed loft conversion would be an eyesore, aesthetically not in keeping with the area
- The loft conversion would be positioned 18 inches from their property which would have an extremely imposing impact
- The proposed loft conversion is not a dormer but a two storey flat roofed house and the proposed side walls will not be gables
- Due to the application property sitting 0.9m higher than their property and the height of the proposed loft conversion there would be a severe impact on light through their kitchen window
- There would be a severe loss of privacy due to five new windows overlooking their property and the angle of the rear side of the application property; this would be contrary to Policy LC5(c) of the PDLP (unacceptable loss of privacy)
- There would be many possible alternatives, e.g. brick built triangular gables, a single dormer to the rear, Velux type windows and obscure glazing to protect privacy

5.4. The applicants responded in writing on 19 May 2021 to the initial objection raised by the neighbours at 97 Windsor Drive:

- The height of the bungalow will only increase by 1m – the same height increase that the neighbour's own bungalow roof was raised – just appears taller as the neighbouring property is built at lower ground
- The plans clearly show that the rear dormer will be built below the ridge
- Windows added into an existing bungalow roof within a wooden structure are classed as a dormer bungalow – the height of the rear full dormer will be no higher than the neighbour's rear dormer bathroom extension height from ground level
- The rear dormer will be built in wooden frame with cladding above the brick; also due to the design the stairs will not have enough headroom if the dormer is made any lower.
- The area is a mix of houses, bungalows and dormer bungalows that have been altered and upgraded over the years. The neighbour's own property has been substantially altered and extended. The application property from the front is designed to be very much in keeping with the surrounding houses and bungalows.
- Due to the position of the neighbour's kitchen and the trajectory of the sun they do not consider that the light in that room will be significantly affected. The light into that window is already limited due to the original constructions of the properties and the fact that the ground slopes.
- Only 2 of the windows can be looked out of – 2 others would be bathrooms with obscured glass and one is a light into the stairwell which is too high to stand and look out of. The view into the neighbour's garden is already obscured by their own garage and existing mature trees, hedges and shrubs.
- The proposed cladding will not be clad in timber but a modern, attractive, approved cladding material.

- 5.5. Together with the response above the applicant also defended their proposal through studying the neighbourhood area and providing a photo documentation. In the main, they argue that a lot of care and attention went into the planning of the conversion and the choice of materials.
- 5.6. They specifically went around the local area looking at the materials that had been already allowed and made the following observations:
- There are a good number of existing dormer windows using cladding in the area.
  - If they were to tile the dormers with the same tiles then the new red would not match with the weathered tiles which look grey/brown
  - The cladding for the gable ends would face existing dwellings on both sides and therefore would not really be visible from the front elevation
  - There are a number of houses in the nearby vicinity which have cladding and other materials on their gable faces approved as a useable material by the Council
  - They chose to break up the gables with cladding to soften the effect rather than having a large amount of brick on show for our neighbours
  - There are new builds in the village that are not consistent with the type/style of buildings next to them or others on that road but still look good
  - There are 6 bungalows in a row on Windsor Drive and each one has a different front design and look great for their individuality
  - There is one approved dormer extension in the village where bright cladding is very visible and they found examples of two bungalows in close proximity that extend above and beyond our application
- 5.7. On 10 June 2021 the agent made comments by saying that
- The one meter increase in ridge height and construction of gables is necessary to obtain floor sizes and ceiling heights
  - To reduce the impact of 97 Windsor Drive, my clients would be prepared to reduce the height of the rear dormer by 0.5m and reduce the width by 0.73m.
  - With regards to the loss of light to No. 97 Windsor Drive kitchen, this is not the only light the kitchen benefits from; there is a large window facing West & French doors to the North, a further roof light window facing South beyond the proposed dormer.
  - Of the five windows to the rear dormer only three windows will have clear glass. As to loss of privacy it is not possible to see on to the rear garden of 97 Windsor Drive due to the trees.
  - My client wishes to amend the cladding to a render finish. They feel the point regarding the street scene is contradictory.

### **Amended Proposal**

- 5.8. No further comments had been received at the time the report was prepared. Any late comments will be presented to Committee as appropriate.

## **6.0 Relevant Policy and Strategic Context**

- 6.1. The Development Plan comprises the North East Derbyshire Local Plan (2005) and the Wingerworth Neighbourhood Plan.

- 6.2. With regards to the North East Derbyshire Local Plan the most relevant policies to this application are considered to be as follows:

GS5 Settlement Development Limits  
BE1 General Design Principles  
H5 Domestic Extensions  
T9 Car Parking Provision

- 6.3. In respect of the Wingerworth Neighbourhood Plan 2014-34 the most relevant policy to this application is:

W12 Design Principles

- 6.4. With regards to the emerging North East Derbyshire Publication Draft Local Plan 2014-2034 (PDLP) the Local Plan Examination is well advanced and public hearings took place in November/December 2018 and March 2019. Following the hearings, the Inspector has identified a number of Main Modifications which have been consulted upon between November 2020 and January 2021. It is expected the Plan will achieve adoption in summer 2021. The PDLP is therefore at an advanced stage and should be attributed weight accordingly in decision making.

- 6.5. The most relevant policies in respect of determining this application are:

SS7 Development on Unallocated Land within Settlements with defined Settlement Development Limits  
LC5 Residential Extensions

- 6.6. Other relevant policy documents include the Supplementary Planning Document – **Successful Places** 2013 with specific regards to chapter 3.11 - Amenity.

- 6.7. The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application.

## **7.0 Planning Issues**

7.1. The planning issues relevant to the proposal are whether the proposal accords with the policies of the Development Plan, i.e. is it acceptable in principle, its potential impact on the amenity of existing residential property occupiers, its impact on the street scene and the local character and car parking provision.

7.2. Each matter is considered in detail below.

***Principle of Development and Application of Policy***

7.3. With regards to Policy GS5 of the adopted Local Plan and Policy SS7 of the PDLP the application site is situated within the Settlement Development Limits of Wingerworth where the principle of development is acceptable provided it is not contrary to other policies in the Local Plan.

***Effect on neighbours***

7.4. The neighbours at 97 Windsor Drive are concerned that the side and rear walls of the proposed dwelling will be built higher than that of a dormer bungalow to look like a house which will have an overbearing impact on their own property. They further state that the rear half of the existing roof will be raised by up to 2.6m which will have a severe and significant impact on lighting to their kitchen. These concerns are also raised by Councillor Ruff.

7.5. 97 Windsor Drive which is situated to the north of the application site sits approx. 0.75m lower than the application property and the closest distance between both properties is at the back where they are as close as 2.3m. Although the proposed loft conversion extends back approx. 2.8m from the current roof apex it does not project over the existing wall of the ground floor.

7.6. The roof of the loft conversion to the back would, following receipt of the amended plans, now sit 0.8m below the new roof line which gives the proposed loft conversion a total height of approx. 5.0m from ground level. This is a reduction in height from approx. 5.4m as initially proposed.

7.7. The loft conversion to the back would now also be reduced in width by 0.73m; this means that it would be set back by 0.73m from the edge of the roof to the side of the neighbouring property at 97 Windsor Drive.

7.8. It is accepted that the neighbouring property is affected by the application due to its location, position and close proximity to the application property. The loft conversion now proposed would still have some impact on the neighbouring property; however, due to the reduction in height and width of the loft conversion now proposed the impact on the neighbouring property is reduced to a level that Officers consider is an acceptable level.



- 7.9. 97 Windsor Drive has one side facing kitchen window on the ground floor (see photo (right) below) but there are no other windows to the side. As the neighbouring property sits approx. 0.75m lower and to the north of the application property it is acknowledged that there would be some reduction of natural light to the side facing kitchen window due to the proposed loft conversion. However, the kitchen of the neighbouring property has another window facing the rear garden to the west and a French door to the north both offering light to the kitchen. Additionally, the reduction in the size of the roof alterations would ameliorate the impact caused. It is therefore the Officer's view that overall there would be enough natural light getting into the kitchen and so the impact of the extension would not be harmful in this regard.



Figure 4: View from the application site to 97 Windsor Drive & view from the street of both 95 & 97 Windsor Drive

- 7.10. The neighbours at 97 Windsor Drive are also concerned that the proposal will result in five first floor windows to the rear elevation which they consider will significantly overlook neighbouring properties and especially their own.
- 7.11. The proposed loft conversion would create two new bedrooms with on-suite bathrooms accessed by a new staircase. This would include two new bedroom windows, two new obscurely glazed bathroom windows and one staircase window, five in total, to the rear elevation at first floor level.
- 7.12. The application property sits in a slight angle to the neighbouring property of 97 Windsor Drive. However, due to the fact that the loft conversion now proposed is set back from the edge of the roof and due to the reduced roof height the new bed room windows sit lower it is considered that only limited views into the garden of 97 Windsor Drive would be possible over a garage/outbuilding and this is considered by Officers to be acceptable.
- 7.13. The nearest other dwelling to the back of the application site, 292 Langer Lane, is positioned above and at a slight angle to the application property and would be well separated from the application property. The proposed

loft conversion would create two additional bedroom windows, but with a separation distance of around 36m, it is not considered that this would result in any significant overlooking according to the Successful Places SPD.

- 7.14. This planning issue should be assessed against Policy H5 of the adopted Local Plan and against Criterion c) of Policy LC5 of the PDLP, which both seek to protect neighbouring residents from significant loss of privacy and amenity. Given the reduction in height and width of the loft conversion now proposed it is not considered there is either a significant loss of privacy or loss of light from this development to cause significant harm to the amenity experienced by neighbouring residents and therefore Officers conclude that the development complies with Policy H5 and with Criterion c) of Policy LC5.
- 7.15. Due to its single storey nature the rear ground floor extension is not considered to materially impact on the neighbouring properties.

***Street scene***

- 7.16. Concern has also been expressed in respect of the appearance of the extensions and particularly the proposed cladding on the sides and to the rear of the application property. The Parish Council said that this would be out of character with the area and Councillor Ruff stated that the proposed loft conversion would be totally out of keeping and would be a blight for the neighbours.
- 7.17. Instead of a dark wood cladding it is now proposed to finish both sides of the proposed gables and loft conversion with a light render. This also applies to the back of the loft conversion now proposed. The dark wood cladding of the front dormer's sides would also be replaced by tiles.
- 7.18. It is considered that the render now proposed would be a considerable improvement to the dark wood cladding as a light render would be less of a contrast to the existing brick wall of the ground floor and the brick built properties along Windsor Drive and of adjacent Davids Drive where brick is the dominant feature. This would reduce the impact on the street scene.



Figure 5: Street view image of Windsor Drive (Google Maps)

- 7.19. This issue should be assessed against Policy H5 of the adopted Local Plan, against Criterion a) of Policy W12 of the Wingerworth Neighbourhood Plan and against Criterion b) of Policy LC5 of the PDLP, which require extensions to be in keeping with the property and the street scene in terms of their style, proportion and materials. It is considered that the light render finish as now proposed would be in keeping with the application property and the street scene and therefore the development complies with Policy H5, Criterion a) of Policy W12 and Criterion b) of Policy LC5.

#### ***Car parking provision***

- 7.20. The proposed loft conversion would add another two bedrooms to the existing two bedrooms in the ground floor which in total adds up to 4 bedrooms. Currently, there is a drive way up to the property and there is a car port with two parking spaces along the south side of the property. There is also an existing garage further to the back of the property.
- 7.21. This issue should be assessed against Policy T9 and the Council's car parking standard of the adopted Local Plan, which requires for a 4 bedroom dwelling two car parking spaces. Given that there are three car parking spaces in total there would be sufficient car parking provision and therefore the development complies with Policy T9.

## **8.0 Summary and Conclusion**

- 8.1. The application is for a loft conversion with 2no front dormers, 1no rear dormer, and hips converted to gables. It also includes a single storey rear extension. The roof of the converted loft to the back has now a reduced

height and width from that originally proposed and it is also now proposed to finish both sides of the proposed gables and loft conversion with a light render.

- 8.2. It is considered that the loft conversion with the light render finish on both sides of the gables and of the loft conversion itself would be in keeping with the property and the street scene and would have no significant loss of privacy and amenity for residents of neighbouring properties.
- 8.3. The ground floor extension is considered acceptable.
- 8.4. It is therefore considered by Officers that the proposal, as a whole, is acceptable and would be in accordance with Policies GS5, H5 and T9 of the adopted North East Derbyshire Local Plan (2005), Policy W12 of the Wingerworth Neighbourhood Plan and Policies SS7 and LC5 of the PDLP.

## **9.0 Recommendation**

- 9.1. **GRANT** Planning Permission subject to the following conditions with the final wording delegated to the Planning manager (DM):

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

[Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.]

- 2. The development hereby approved shall be carried out in accordance with the details shown on the submitted plans and elevations drawings plan no: bd 3/2021 and bd 4/2021 (received 23/06/2021); unless otherwise agreed subsequently through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

[Reason: For clarity and the avoidance of doubt.]

- 3. Prior the first occupation of loft conversion hereby approved, the windows serving the first floor en-suite bathrooms on the approved plans in the west elevation of the dwelling shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The windows shall then be retained as such thereafter at all times.

[Reason: In the interests of the amenity of neighbouring residents, all in accordance with policies GS5 and H5 of the adopted North East Derbyshire Local Plan and SS7 and LC5 of the PDLP.]